



Sen. Iris Y. Martinez

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LRB098 05218 HEP 59020 a

1 AMENDMENT TO SENATE BILL 977

2 AMENDMENT NO. _____. Amend Senate Bill 977 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Jury Act is amended by changing Section 2
5 as follows:

6 (705 ILCS 305/2) (from Ch. 78, par. 2)

7 Sec. 2. At the September meeting of the county board in
8 each year in the respective counties in this State, except
9 those that have jury commissioners, the board shall select from
10 the list the number of persons as the judges of the circuit
11 courts, to be held in the county during the succeeding year,
12 may by joint action determine to serve as petit jurors. In
13 counties having jury commissioners, the persons to serve as
14 petit jurors shall be selected by the jury commissioners, as
15 provided by law. County boards, a jury administrator, and jury
16 commissioners may utilize the services of the Administrative

1 Office of the Illinois Courts in making these selections.
2 Jurors in all counties in Illinois must have the legal
3 qualifications herein prescribed. Jurors must be:

4 (1) Inhabitants of the county.

5 (2) Of the age of 18 years or upwards.

6 (3) Free from all legal exception, of fair character, of
7 approved integrity, of sound judgment, well informed, and able
8 to understand the English language, whether in spoken or
9 written form, ~~or~~ interpreted into sign language, or, in
10 counties in which a pilot program is implemented in accordance
11 with Section 8-1403 of the Code of Civil Procedure, interpreted
12 or translated into the juror's predominant language.

13 (4) Citizens of the United States of America.

14 (Source: P.A. 90-482, eff. 1-1-98.)

15 Section 10. The Jury Secrecy Act is amended by changing
16 Section 1 as follows:

17 (705 ILCS 315/1) (from Ch. 78, par. 36)

18 Sec. 1. (a) Except as provided in subsection (b), whoever
19 knowingly and wilfully, by any device or means whatsoever
20 records or attempts to record, the proceedings of a petit jury
21 in any court of the State of Illinois while the jury is
22 deliberating or voting, or listens to or observes, or attempts
23 to listen to or observe, the proceedings of any petit jury of
24 which he is not a member in any court of the State of Illinois

1 while the jury is deliberating or voting, shall be guilty of a
2 Class A misdemeanor. However, if any juror is deaf or hard of
3 hearing, the juror may be accompanied by and may communicate
4 with a court appointed interpreter throughout any period during
5 which the jury is sequestered or engaged in its deliberations.
6 In counties in which a pilot program is implemented in
7 accordance with Section 8-1403 of the Code of Civil Procedure,
8 if any juror's predominant language is not English, the juror
9 may be accompanied by an interpreter. In the case of a
10 non-English speaking juror, the interpreter shall be available
11 throughout the actual trial and may accompany and communicate
12 with the juror throughout any period during which the jury is
13 sequestered or engaged in its deliberations. If the jury
14 foreman reasonably believes that an ~~the~~ interpreter is doing
15 more than interpreting, nothing in this Act shall prevent him
16 or her from petitioning the court and requesting that the
17 interpreter be replaced with another interpreter.

18 (b) A petit juror in any court of the State of Illinois
19 shall be entitled to take notes in connection with and solely
20 for the purpose of assisting him in the performance of his
21 duties as juror, and the sheriff of the county in which such
22 juror is serving shall provide writing materials for that
23 purpose. Such notes shall remain confidential, and shall be
24 destroyed by the sheriff after the verdict has been returned or
25 a mistrial declared.

26 (Source: P.A. 88-27.)

1 Section 15. The Code of Civil Procedure is amended by
2 adding Sections 8-1403 as follows:

3 (735 ILCS 5/8-1403 new)

4 Sec. 8-1403. Accommodation for jurors whose predominant
5 language is not English.

6 (a) In the counties of Cook, Lake, DuPage, Kane, and Will,
7 the court shall implement a pilot program to appoint a
8 qualified interpreter to interpret or translate proceedings
9 for a juror whose predominant language is not English. The
10 interpreter shall be available throughout the trial and may
11 accompany and communicate with the juror throughout any period
12 during which the jury is sequestered or engaged in its
13 deliberations. The court shall determine and allow a reasonable
14 fee for all services provided under this Section which shall be
15 paid out of general county funds.

16 (b) The Administrative Office of the Illinois Courts shall
17 record the following regarding the pilot program: the amount of
18 funding that is expended; what languages are interpreted; and
19 the extent to which interpreters are used in each county in
20 which the pilot program operates.

21 (c) Before a qualified interpreter participates in any
22 proceedings authorized under this Section, the interpreter
23 shall make an oath or affirmation that the interpreter will:

24 (1) make a true interpretation from English to the

1 juror's predominant language and from the juror's
2 predominant language to English;

3 (2) not interject the interpreter's own thoughts,
4 beliefs, conclusions, or opinions regarding any
5 interpretation of what the evidence shows, what the
6 instructions mean, or how the evidence is analyzed as it
7 relates to the instructions issued by the court; and

8 (3) not express any opinion as to what the verdict
9 should be.

10 (d) This Section is repealed 2 years after the effective
11 date of this amendatory Act of the 98th General Assembly."